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APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DONALD R. CAMERON, California
resident; and PURE SWEAT
BASKETBALL, INC., an Illinois
corporation, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation.

Defendant.

CASE NO. 4:19-cv-03074-YGR

**STIPULATION FOR EXTENSION OF
TIME FOR DEFENDANT APPLE INC.
TO ANSWER OR OTHERWISE
RESPOND TO COMPLAINT
PURSUANT TO CIVIL LOCAL RULE
6-1(a)**

The Honorable Yvonne Gonzalez Rogers

1 Plaintiffs Donald R. Cameron and Pure Sweat Basketball, Inc. (“Plaintiffs”) and
2 Defendant Apple Inc. (“Apple”), through their respective attorneys of record herein and without
3 waiving any rights, claims, or defenses they have in this action, enter into this Stipulation
4 pursuant to Civil Local Rule 6-1(a), with reference to the following circumstances:

5 WHEREAS, Plaintiffs filed their Complaint on June 4, 2019;

6 WHEREAS, Apple was served with the Complaint on June 13, 2019;

7 WHEREAS, on June 21, 2019 Apple filed an Administrative Motion to Consider
8 Whether Case Should Be Related, seeking to relate this action to *In re Apple iPhone Antitrust*
9 *Litigation*, No. 4:11-cv-06714-YGR (“*Pepper* Action”), and on July 22, 2019 Apple filed an
10 Administrative Motion to Consider Whether Case Should Be Related, seeking to relate *Sermons*
11 *et al. v. Apple, Inc.*, Case No. 4:19-cv-03796-YGR (“*Sermons* Action”) to the *Pepper* Action
12 (“Motions to Relate”);

13 WHEREAS, the parties previously stipulated to extend Apple’s deadline to respond to
14 the Complaint from July 5, 2019 to August 12, 2019 (Dkt. 28), and again from August 12, 2019
15 to September 12, 2019 (Dkt. 29);

16 WHEREAS, on August 22, 2019, Judge Gonzalez Rogers ordered this case and the
17 *Sermons* Action related to the *Pepper* Action;

18 WHEREAS, Plaintiffs intend to consolidate this action with the *Sermons* Action and file
19 a consolidated complaint with plaintiffs in the *Sermons* Action;

20 WHEREAS, the parties agree that the consolidation of this action with the *Sermons*
21 Action and the filing of the consolidated class action complaint does not waive or exhaust
22 Plaintiffs’ right to amend the consolidated class action complaint once at their option as a matter
23 of course pursuant to Federal Rules of Civil Procedure Rule 15(a)(1);

24 WHEREAS, in light of the foregoing, the parties have agreed to establish the due-date for
25 the consolidated class action complaint, and Apple’s response thereto;

26 WHEREAS, this stipulation will not alter or otherwise impact the date of any event or
27 any deadline already fixed by Court order;

1 THEREFORE, the parties, through their counsel, hereby stipulate:

2 1. Plaintiffs will file the consolidated complaint by the agreed date to be submitted
3 to the Court no later than September 30, 2019, the date for the parties to file their case
4 management statement;

5 2. The consolidation of this action with *Sermons et al. v. Apple, Inc.*, Case No. 4:19-
6 cv-03796-YGR, and the filing of the consolidated class action complaint, will not waive or
7 exhaust plaintiffs' right to amend the complaint once at their option as a matter of course
8 pursuant to Federal Rules of Civil Procedure Rule 15(a)(1);

9 3. Apple will have 30 days to respond to the consolidated complaint from the date
10 the complaint is filed;

11 4. Plaintiffs will have 30 days to oppose Apple's response to the consolidated
12 complaint;

13 5. Apple will have 14 days to reply to plaintiffs' opposition; and

14 6. In the event that plaintiffs opt to amend the Consolidated Complaint in lieu of
15 filing an opposition to a motion to dismiss:

16 (a) Apple will have 30 days to respond after filing of the Amended
17 Consolidated Complaint;

18 (b) Plaintiffs will have 30 days to oppose Apple's response to the Amended
19 Consolidated Complaint; and

20 (c) Apple will have 14 days to reply to plaintiffs' opposition.

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22 **IT IS SO STIPULATED.**
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1 Dated: September 11, 2019

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9 Dated: September 11, 2019

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Dated: September 11, 2019

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Richard J. Doren
Richard J. Doren
Attorneys for Defendant Apple Inc.

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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that on September 11, 2019, I caused to be electronically filed the
4 foregoing **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**
5 with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties
6 by operation of the Court's electronic filing systems.

7
8 Dated: September 11, 2019

GIBSON, DUNN & CRUTCHER LLP

9
10 By: /s/ Richard J. Doren
Richard J. Doren

11 *Attorneys for Defendant Apple Inc.*
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